SPECIAL MEETING OF THE BOARD OF

THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

BETHEL ISLAND, CALIFORNIA

3085 STONE ROAD

BETHEL ISLAND, CALIFORNIA

DATE: MARCH 17, 2022

The Bethel Island Municipal Improvement District met in a special session located at 3085 Stone Road, Bethel Island, CA at 6:30 p.m. Upon roll call, the following were found to be present: Directors: Bruce Smith, Anthony Berzinas, and Tom Knorr, Jr.. Attorney Dave Larsen and District Manager Regina Espinoza were also in attendance. Directors Lisa Kirk and Steve Lucas were absent.

BOARD DISCLOSURE OF POTENTIAL APPEARANCES OF CONFLICTS OF INTEREST

Directors Smith and Berzinas stated they would recuse themselves if there was a vote on the Taylor Road Drainage Project. Director Knorr, Jr. had no conflicts.

CONSENT CALENDAR

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to approve the minutes of the Regular Meeting of February 10, 2022.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to adopt Resolution No. 22-03-17A “Authorizing Preparation of Necessary Documents to Submit an Application for the Habitat Maintenance and Monitoring Associated with the Northwest Levee Rehabilitation Work under the California Department of Water Resources Delta Levees Special Projects” and authorize signing of Project Funding Agreement BI-22-1.0 for Habitat Establishment on Northwest Levee Project.

The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.

ELECTION OF OFFICERS

This item was moved to the April Meeting.

ANNOUNCEMENTS

Director Smith stated he was disturbed by what is going on in Europe at this time.

PUBLIC COMMENT

None.

UNFINISHED BUSINESS

UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

District Manager Espinoza reported that staff is still waiting for funding for the grant before it can go out for bid.

UPDATE ON ASSET MANAGEMENT SYSTEM

No update.

SHEETPILE PROJECT – FIVE YEAR PLAN

No update.

EMERGENCY PLANNING REVIEW

No update.

CONTINUED DISCUSSION OF PARK SAFETY ISSUES

No update.

DISCUSSION OF EMERGENCY EVACUATION AND ACCESS AT DELTA COVES

No update.

NEW BUSINESS

APPROVAL OF FISCAL YEAR ENDING JUNE 30, 2021 DISTRICT AUDIT BY MAZE AND ASSOCIATES

Ms. Vikki Rodriguez, from Maze and Associates, stated that the audit has been completed. It was a clean audit, which included looking at the internal controls with no significant deficiencies to report. She also wanted to thank staff for providing the information needed to conduct the audit.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to accept the Fiscal Year Ending June 30, 2021 District Audit from Maze & Associates. The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.

APPROVAL OF ANNUAL LEVEE KEY APPLICATIONS AND REVIEW OF RE-KEY EFFORTS

District Manager Espinoza stated staff is looking for approval of the annual keys after reviewing completed application submissions. There are a lot of issues that need to be included in the discussion of the re-keying efforts. Over the last year or so, there have been ongoing issues related to levee access. Gates have been left open which have led to increased vehicular traffic along the levee. BIMID staff and residents have noted that there are vehicles parked along the levee although parking and obstruction of the levee is not permitted. In most cases, the vehicles do not have permission to be accessing the levee and per additional research, BIMID has learned that vehicle owners have been given a copy of a levee key by another property owner, hence the increased traffic and unsolicited parking and obstruction. BIMID staff has noted that thirteen temporary levee keys have not been returned, regardless of the $100 deposit left on file. Some of these keys have been outstanding since 2017 despite numerous attempts to contact those key holders. It has been 15 years since the locks and keys were replaced. It is because of several reasons that staff has decided to now change the locks throughout the entire levee system. Many of the problems are on Stone Road, where numerous property owners have contacted BIMID regarding a gate being left open and parking on the levee. Staff has ordered the tags for temporary use and the stickers for the annual keys and new locks have been ordered. Letters were sent in January, to the annual key holders, requesting they resubmit their information for this board meeting. Out of the thirteen letters that were sent, only five have responded.

The discussion continued with what the amount of the deposit should be going forward since the current policy is not working, as people are keeping the key and making copies of keys for neighbors and renters. What is staff to do with the property owners that haven’t brought back the key, whether temporary or annual, or answered any of the many attempts to have them return the key? Will they be allowed to have a key in the future? It was also discussed whether the key deposit should be reimbursed after the ten days time limit.

Director Smith and Berzinas stated the District can’t keep the deposit if it doesn’t say that on the form. It was agreed that it should be stated on the form that the deposit will not be refunded after the ten days.

Attorney Dave Larsen stated a letter could be sent to notify the property owners that if they don’t return the key within ten days, their deposit will be forfeited.

District Manager Espinoza stated the letter should be sent to all property owners that haven’t returned the levee key, and that if they do not return the key in a matter of x number of days, the deposit will be forfeited and the property owner will not be eligible for another levee key.

District Clerk Bixby stated it would be a good idea to have a levee key policy.

Director Berzinas stated he would like to see that the Contractor Annual Levee Key Application include language that would require the Contractor to contact BIMID before they access the levee.

District Manager Espinoza stated there isn’t any difference between temporary and annual levee keys. Temporary keys are known because it will have to do with a project whereas the annual levee key is a blanket access and BIMID doesn’t know what the project is or the reason.

Director Berzinas stated it should be included on the Contractor’s Annual Levee Key Application that they must check in before doing a project. This could also be beneficial to have the contractor also be an emergency contact for equipment access and personnel.

The discussion continued on to the five applications for an Annual Key that were submitted.

Director Berzinas stated he would like to see parcel maps that says that property owners are landlocked. We can’t give people access to private property and if they don’t have an easement on their property, BIMID can’t give an easement so they can access their house.

District Manager Espinoza asked if an annual levee key hasn’t been returned, should that person be able to get another key when they locks are changed?

Director Berzinas stated that staff could say that, and the property owner can appeal it, and in that appeal they bring in additional documentation that states why they need the key. If they violated that rule, then no, they do not get another key.

Director Knorr, Jr. stated there should be no parking on the levee. It is fine if you’re going to unload groceries or supplies for your dock, but otherwise there should be no parking on the levee.

Director Berzinas stated he would like to see the deed and a parcel map of the property. On the form it should be stated in big letters “no parking on the levee”, make it bold and they will need to initial that paragraph.

District Manager Espinoza stated it is number four on the application.

Director Berzinas stated it should be added that there will be no parking on the levee at night.

Director Berzinas stated to take out “such a manner” on number 4 of the application. It should be stated as to unload items or persons only.

Director Knorr, Jr. stated if an emergency vehicle is impeded by the levee being blocked by a person that slowed the progression of the emergency vehicle could be held liable.

The Board then discussed the applications.

Director Berzinas stated if any property owner claims to be landlocked, they should bring in their full copy of their deed with any easement access and a parcel map. They must substantiate their claim of being landlocked. If the access is not there, the property owners around them need to be agreeable of them crossing their property. It would have to be in the property owners deed and would need to be reviewed annually and each homeowner would have to come to the office and sign a new document, witnessed by someone in the BIMID office allowing that property owner to have access. BIMID does not have the authority to grant people access to other people’s property.

Attorney Dave Larsen stated BIMID has their own easement, depending on the scope of the easement, to allow its workers on the levee but maybe the District doesn’t want to use that right of easement. If a property owner is landlocked, it will need to go to the Board for review.

Director Berzinas stated there could be a checklist to prescreen the applications prior to the application going to the Board.

For one of the applications, Director Knorr, Jr. asked if Geri Marshall is the property owner of the property? She rents out her dock, but does she live on the property?

Levee and Drainage Superintendent Martins stated that she does not live on the property.

Director Berzinas stated earlier that the levee key is not to be issued for commercial use. He voted for the application to be denied.

President Smith asked why they couldn’t park down by the by the Yacht Club, as it is not that far.

Director Knorr, Jr. stated that he feels the annual levee keys need to be reviewed by the Board on a case-by-case basis.

Director Berzinas asked how many gates are from the bridge to the Delta Coves breach.

Levee and Drainage Superintendent Martins stated there are approximately ten gates just for Stone Road.

Director Berzinas suggested getting the more expensive locks for that section of the levee. He would like to look at the budget for the ten special locks. He also stated that he feels the key deposit should be raised to $250 for the temporary use levee keys.

President Smith stated he would like to review the budget for the more expensive locks.

District Manager Espinoza stated the locks that were ordered were $34 each and the other locks would range between $250 and $300.

There was a discussion on using credit cards instead of cash deposits and increasing the levee key deposits to $250 for a temporary key and $500 for an annual levee key and penalties for not returning the key. Annual levee keys will be reviewed every year with any substantial documents.

The Board recommended to check into using credit cards only for the levee key deposits.

Director Berzinas stated through previous comments that Geri Marshall’s property is being used for commercial use. Only the resident of the property can submit a levee key application.

Levee and Drainage Superintendent Martins stated he wasn’t sure if there is a house on the property but there is a driveway. The person that is there is renting a slip for his boat.

**A motion was made by Director Berzinas and seconded by Director Knorr, Jr.** **to deny the Application for District Approval to Operate a Motor Vehicle on the District’s Upramps and Levee for 655 Riverview Place, due to not residing on the property. The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.**

**A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to deem the Application for District Approval to Operate a Motor Vehicle on the District’s Upramps and Levee for 3744 Stone Road incomplete. The applicant will need to submit additional information (deed, access easement and parcel map). The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.**

**A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to approve the Application for District Approval to Operate a Motor Vehicle on the District’s Upramps and Levee for 4930 N. Stone Rd, with the $250 levee key deposit. The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.**

**A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to deny the Application for District Approval to Operate a Motor Vehicle on the District’s Upramps and Levee for 611 Riverview Place until it can be resubmitted without making contractual edits. The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.**

**A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to approve the Application for District Approval to Operate a Motor Vehicle on the District’s Upramps and Levee for Specific Homeowner “Emergencies” for Kentco Construction, with the $250 levee key deposit and the applicant must notify BIMID before accessing the levee for projects. The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.**

Director Knorr, Jr. asked what the Board will expect to happen by the next meeting.

District Manager Espinoza stated the locks will probably have been changed and the applications should be approved or not approved by the end of March.

Attorney Dave Larsen read a past email from James Maynard that it would be appropriate to send a letter to the non-renewers asking them to return their key at once or they may face “administrative, civil or criminal penalties” for failing to return government property. Also, BIMID can require some evidence of the medical condition, i.e., a doctor’s note attesting the applicant is unable to walk up and down the stairs. The District only needs to know the effects of the condition, not the condition itself so HIPAA doesn’t come into play.

Director Berzinas stated he wants to see the handicap placard registration, just like DMV requires.

This item will be continued to the April Meeting.

CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

**A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to receive and file the Staff Reports. The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.**

TREASURER REPORT

**Balances as of 2/28/22:**

Checking Account: $10,615.73

Park Account: $2,859.84

House Number Account: $336.02

Delta Coves First Deposit: $380,400.11

Delta Coves Contingency Funds: $2,008,442.08

Delta Coves O & M Funds: $923,097.71

LFCF Repairs and Improvements: $105,650.25

LFCF Maintenance: $3,409.16

**Advance Funding from DWR**

Money Market is $959,635.15 (NWS Project)

Money Market is $8,299.14 (HEHE Project)

BETHEL ISLAND PARK COMMITTEE (AD-HOC)

Nothing to report.

DELTA INTERGOVERNMENTAL WATCHDOG COMMITTEE (AD-HOC)

No report.

LEVEE GATE COMMITTEE (AD-HOC)

Nothing to report.

SHEETPILE PROJECTS/NON-CONFORMING STRUCTURES (AD-HOC)

Nothing to report.

WEB SITE

Nothing to report.

BIMAC/FIRE DISTRICT UPDATE

Director Berzinas stated he hasn’t heard details of the merger of the Fire Departments.

District Manager Espinoza stated LAFCO has approved the annexation with ConFire and ECCFPD. The new Fire Station at Summer Lakes is set to open in June or July 2022.

Director Berzinas asked if the Fire Boat will be returned to Bethel Island.

District Manager Espinoza stated she doesn’t know.

District Manager Espinoza stated there was a request to install a flag pole at the Park which may require one of the trees to be moved.

Director Berzinas asked who will be responsible for the maintenance of the flag pole? Who will put up the flag and remove it daily? And if it is to remain up 24 hours a day, who will pay for the lighting of the flag?

District Manager Espinoza stated she was not prepared to discuss this item at this meeting, but was told that the requestor would maintain it.

Director Berzinas stated BIMAC can make a presentation to the Board on what they want to do in the park.

SUGGESTION FOR FUTURE AGENDA ITEMS

Issues of Potential Annexation of Bethel Island by Oakley (May)

CORRESPONDENCE

None was discussed.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to adjourn the meeting. The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.

The meeting adjourned at 8:30pm.

Submitted by Denece Bixby, District Clerk